

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 3, 6-8, 10, and 14-16 are pending in the application, with claims 1, 8, and 10 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested. Claims 6 and 16 have been amended solely to correct typographical errors.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1 and 6-8 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Pat. No. 6,856,399 to Kuskovsky *et al.* ("Kuskovsky"). Applicants respectfully traverse.

Claim 1 recites "a light receiver, wherein the light transmitting source splits a light into a first light transmitted directly to the light receiver and into a second light transmitted to the first side of the diaphragm that is reflected to the light receiver." Such a feature is illustrated in, for example, Fig. 4 of the present application. Applicants respectfully submit that this feature is neither taught nor suggested by Kuskovsky. In Kuskovsky, the reference light beam is reflected off a reference surface before being transmitted to the light receiver, while the sensing light beam is reflected off a pressure sensor before being transmitted to the light receiver. Therefore, Kuskovsky neither teaches nor suggests, among other things, "a first light transmitted directly to the light

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receiver" as recited in claim 1. For at least these reasons, Applicants submit that claim 1 is patentable over Kuskovsky. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Claims 6 and 7 depend from claim 1, and are thus patentable over Kuskovsky for at least the reasons discussed with respect to claim 1, and further in view of their own respective features. Reconsideration and withdrawal of the rejections of claims 6 and 7 are respectfully requested.

Claim 8 recites "a first light transmitting source outputting a first light at a first wavelength toward the first surface of the diaphragm" and "a second light emitting source outputting a second light at a second wavelength toward the first surface of the diaphragm." The Examiner references Kuskovsky, col. 8, line 22, as anticipating this feature. However, Applicants respectfully disagree with this characterization of Kuskovsky. Col. 8, line 22 of Kuskovsky merely states that a phase difference may exist between the reference and sensor beams, not that the reference beam has a first wavelength while the sensor beam has a second wavelength, as recited in claim 8. Kuskovsky actually teaches against using beams of different lengths in col. 7, lines 43-45: "Preferably, the beams R1 and S1 are monochromatic light beams of the same wavelength."

Further, Kuskovsky does not discuss transmitting both the first light and the second light to a first surface of the diaphragm. In Kuskovsky, the sensor surface does not reflect both the reference light and the sensor light. Instead, the reference light is reflected off a reference surface while the sensor light is reflected off the sensor surface.

For at least these reasons, Applicants submit that Kuskovsky neither teaches nor suggests "a first light transmitting source outputting a first light at a first wavelength toward the first surface of the diaphragm" and "a second light emitting source outputting a second light at a second wavelength toward the first surface of the diaphragm" as recited in claim 8. Reconsideration and withdrawal of the rejection of claim 8 is respectfully requested.

Rejections under 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kuskovsky in view of U.S. Pat. No. 4,933,545 to Saaski *et al.* ("Saaski"). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kuskovsky in view of U.S. Pat. No. 4,869,282 to Sittler *et al.* ("Sittler"). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kuskovsky in view of Sittler and further in view of U.S. Pat. No. 5,570,428 to Madaffari *et al.* ("Madaffari"). Claim 16 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kuskovsky in view of U.S. Pat. No. 5,281,782 to Conatser ("Conatser"). Applicants respectfully traverse each of these rejections.

Claim 1, from which claims 3, 14, 15, and 16 depend, recites, among other things, "a light receiver, wherein the light transmitting source splits a light into a first light transmitted directly to the light receiver and into a second light transmitted to the first side of the diaphragm that is reflected to the light receiver." As discussed with respect to claim 1, Kuskovsky does not teach or suggest such a feature. Combining Kuskovsky with the listed references does not cure the deficiency of Kuskovsky, as none

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of Saaski, Sittler, Madaffari, or Conatser teach or suggest such a feature. Therefore, claims 3, 14, 15, and 16 are patentable over the combination of Kuskovsky with Saaski, Sittler, Sittler and Madaffari, and Conatser, respectively. Reconsideration and withdrawal of the rejections of claims 3, 14, 15, and 16 are respectfully requested.

Other Matters

Applicants thank the Examiner for allowing claim 10.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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